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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,414	02/06/2002	Shuhuji Fujii	56939 (70904)	3017
21874	7590	11/29/2005	EXAMINER	
EDWARDS & ANGELL, LLP			MENBERU, BENIYAM	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2626

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,414

Applicant(s)

FUJII ET AL.

Examiner

Beniyam Menberu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/04 2/6/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 16, line 11, "is displays" is not grammatically correct.

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: On page 26, line 16, "iuputted" is misspelled.

3. The disclosure is objected to because of the following informalities: On page 27, line 19, "the a applicable" is grammatically incorrect.

Appropriate correction is required.

4. Abstract contains more than 150 words

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

6. The drawings are objected to because in Figure 4, the image quality labeled "STNADARD" is misspelled for all sending modes. In Figures 6, 7, 10, 11, 13, and 16, reference 23A is labeled "DISPLAY ABERRATED KEYS" instead of "DISPLAY ABBREVIATED KEYS". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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7. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 5, 7-9, 11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6437881 to Baba et al.

Regarding claim 1, Baba et al disclose an image sending method comprising the steps of:
selecting and setting a sending mode for sending image data from plural types of sending modes (column 6, lines 14-19);
setting an image quality for the image data to be sent (column 6, lines 10-15);
selecting and setting a resolution corresponding to the selected image quality from range of applicable resolutions for the selected sending mode (column 6, lines 5-10; column 16, lines 29-33; column 17, lines 7-15); and
sending the image data of the selected resolution by the selected sending mode (column 18, lines 8-11).

Regarding claim 2, Baba et al teach all the limitations of claim 1. Further Baba et al disclose the image sending method set forth in Claim 1, wherein:
the resolution corresponding to the selected image quality is selected and set by referring to a resolution setting table which indicates correspondence between

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i) an index which is a single or plural indices of the image quality common to the plural types of sending modes and

ii) a range of applicable resolutions of each sending

mode (Baba et al select a resolution based on transmission attribute information

which includes quality and sending speed (mode). The transmission-attribute

information recognizing portion 14 in Baba et al (Figure 17, reference 14)

generates a signal for selecting a resolution based on transmission attribute

information. The resolution determining portion 32 (Figure 17, reference 32)

determines a resolution from a plurality of resolution. Thus the combination of

reference 14 and 32 operates like a lookup table for determining resolution.

(column 17, lines 7-30; column 6, lines 9-29)).

Regarding claim 3, Baba et al disclose the image sending method set forth in Claim 2, wherein:

the image quality of the image data to be sent is set according to the index which is selected by a user from a plurality of displayed indices (column 6, lines 7-14).

Regarding claim 5, Baba et al teaches all the limitations of claim 1. Further Baba et al disclose the image sending method set forth in Claim 1, wherein:

the image data is processed to match the selected resolution (column 17, lines 31-40).

Regarding claim 7, Baba et al disclose an image sending device comprising:

sending mode setting means for selecting and setting a sending mode for

sending image data from plural types of sending modes (column 6, lines 14-19);

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image quality setting means for setting an image quality for the image data to be sent (column 6, lines 10-15); and

resolution setting means for selecting and setting a resolution corresponding to the image quality set by said image quality setting means, from a range of applicable resolutions for the sending mode set by said sending mode setting means (column 6, lines 5-10; column 16, lines 29-33; column 17, lines 7-15).

Regarding claim 8, Baba et al teach all the limitations of claim 7. Further Baba et al disclose the image sending device set forth in Claim 7 wherein : said resolution setting means refers to a resolution setting table which stores a range of applicable resolutions of each sending mode, with a corresponding index which is a single or plural indices of the image quality common to the plural types sending modes (Baba et al select a resolution based on transmission attribute information which includes quality and sending speed (mode). The transmission-attribute information recognizing portion 14 in Baba et al (Figure 17, reference 14) generates a signal for selecting a resolution based on transmission attribute information. The resolution determining portion 32 (Figure 17, reference 32) determines a resolution from a plurality of resolution. Thus the combination of reference 14 and 32 operates like a lookup table for determining resolution. (column 17, lines 7-30; column 6, lines 9-29)).

Regarding claim 9, Baba et al teach all the limitations of claim 8. Further Baba et al disclose the image sending device set forth in Claim 8, further comprising:

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display means for displaying the plural indices (column 6, lines 4-19; Figure 4);

and

input means for enabling a user to input one of the plural indices (column 6, lines 3-11),

wherein:

said image quality setting means sets the image quality according to the index which is inputted by the input means (column 6, lines 7-15).

Regarding claim 11, Baba et al teaches all the limitations of claim 7.

Further Baba et al discloses the image sending device set forth in Claim 7

further comprising:

image data processing means for processing the image data based on the resolution set by said resolution setting means, into a form suitable for the sending mode set by said sending mode setting means (column 6, lines 5-19; column 17, lines 31-40).

Regarding claim 13, Baba et al disclose an image sending device

comprising:

sending route setting section for selecting and setting a sending route from plural image sending routes (column 6, lines 14-19);

an image quality setting section for setting an image quality of sending image (column 6, lines 10-15);

processing contents setting section for setting processing contents which corresponds to the image sending route set by said sending route setting section

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and the image quality set by said image quality setting section (column 6, lines 5-10; column 16, lines 29-33; column 17, lines 7-15);

an image processing section for processing the image to create the sending image based on the processing contents set by said processing contents setting section (column 17, lines 31-40); and

an image sending section for sending the sending image via the image sending route set by said sending route setting section (column 18, lines 8-11).

Regarding claim 14, Baba et al teaches all the limitations of claim 13. Further Baba et al discloses the image sending device set forth in Claim 13, wherein: the image quality set by said image quality setting section is commonly used for the plural image sending routes (column 6, lines 20-29).

Regarding claim 15, Baba et al teaches all the limitations of claim 14. Further Baba et al discloses the image sending device set forth in Claim 14, further comprising:
a storage section for storing a processing contents setting table which stores processing contents corresponding to each of the plural image sending routes and the image quality (Baba et al select a resolution based on transmission attribute information which includes quality and sending speed (mode). The transmission-attribute information recognizing portion 14 in Baba et al (Figure 17, reference 14) generates a signal for selecting a resolution based on transmission attribute information. The resolution determining portion 32 (Figure 17, reference 32) determines a resolution from a plurality of resolution. Thus the combination of

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reference 14 and 32 operates like a lookup table for determining resolution.

(column 17, lines 7-30; column 6, lines 9-29; column 20, lines 55-57).

Regarding claim 16, Baba et al teaches all the limitations of claim 15.

Further Baba et al disclose the image sending device set forth in Claim 15,

further comprising:

a display section for displaying the image quality which exists as plural image qualities (column 6, lines 4-19; Figure 4); and

an input section for enabling a user to input one of the plural image qualities (column 6, lines 3-11),

wherein:

said image quality setting section selects and sets the image quality inputted through the input section (column 6, lines 7-15).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6437881 to Baba et al in view of U.S. Patent No. 6614551 to Peek.

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Regarding claim 4, Baba et al teaches all the limitations of claim 1.

However Baba et al does not disclose the image sending method set forth in claim 1, wherein:

the sending mode for sending image data is selected and set from plural types sending modes based on sending destination information which is inputted or selected by a user.

Peek discloses image sending method wherein:

the sending mode for sending image data is selected and set from plural types sending modes based on sending destination information which is inputted or selected by a user (column 6, lines 1-37).

Baba et al and Peek are combinable because they are in the similar problem area of image transmission.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the sending mode selection of Peek with the image transmission system of Baba et al to implement automatic selection of sending mode based on user input.

The motivation to combine the reference is clear because the user can easily send images through different sending modes just by entering the destination data.

Regarding claim 10, Baba et al teach all the limitations of claim 7.

Further Peek discloses the image sending device set forth in Claim 7, further comprising:

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input means for enabling a user to input or select sending destination information, wherein: said sending mode setting means selects and sets the sending mode based on the sending destination information inputted or selected through the input means (column 6, lines 1-37).

Regarding claim 17, Baba et al teaches all the limitations of claim 13. Further Peek discloses the image sending device, further comprising: sending destination input section for enabling a user to input or select sending destination information, wherein: said sending route setting section selects and sets the sending route from the plural image sending routes based on the sending destination information inputted or selected through the sending destination input section (column 6, lines 1-37).

11. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6437881 to Baba et al in view of U.S. Patent No. 6590673 to Kadowaki.

Regarding claim 6, Baba et al teaches all the limitations of claim 1. However Baba et al does not disclose the image sending method set forth Claim 1, wherein: the image data is created by reading an image, so as to match selected resolution.

Kadowaki discloses image sending method (column 5, lines 1-11), wherein: the image data is created by reading an image, so as to match selected resolution (column 6, lines 15-33).

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Baba et al and Kadowaki are combinable because they are in the similar problem area of image transmission.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the image data creation of Kadowaki with the image transmission of Baba et al to implement image transmission with selected resolution.

The motivation to combine the reference is clear because it would be convenient to implement the resolution conversion within the scanner.

Regarding claim 12, Baba et al teach all the limitations of claim 7. Further Kadowaki discloses the image sending device (column 5, lines 1-11) set forth in Claim 7, further comprising:
image reading means for reading an image based on the resolution set by the resolution setting means, so as to create image data (column 6, lines 15-33).

Other Prior Art Cited

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. U.S. 2002/0097411 A1 to Roche et al disclose a facility for image data exchange.

U.S. Patent No. 4814894 to Yoshida disclose image transmission system with selection of density.

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U.S. Patent No. 5488483 to Murayama disclose facsimile with selection of compression method.

U.S. Patent Application Publication No. U.S. 2003/0218762 A1 to Edwards et al disclose resolution quality redefinition control system.

U.S. Patent Application Publication No. U.S. 2002/0015182 A1 to Akiyama et al discloses facsimile apparatus.

Japan Patent No. 2000-105816A to Kusunoki discloses document reader.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

11/10/2005

MARK WALLERSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'M. Wallerson', written over the printed name and title.